

ORDINANCE NO. 2013.39

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AMENDING THE ZONING AND DEVELOPMENT CODE, PART 3 – LAND USE, SECTIONS 3-503 AND 3-505, AND PART 4 – DEVELOPMENT STANDARDS, SECTION 4-903, PERTAINING TO FREEWAY SIGNS.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, as follows:

SECTION 1. That Section 3-503 of the Zoning and Development Code, pertaining to legal non-conforming development, is hereby amended to read as follows:

Section 3-503 Legal Non-Conforming Development.

All *developments* may be maintained but shall not be re-erected, relocated, or replaced unless brought into compliance with this Code. Freestanding off-premise signs which are legally non-conforming shall be maintained in place and may only be relocated in accordance with Section 4-903(J)(2) with a development agreement that may be entered into at the discretion of the City Council. IN THE CASE OF OFF-PREMISE SIGNS THE OWNER OF THE PHYSICAL SIGN, AND NOT THE PROPERTY OWNER, IS CONSIDERED THE OWNER OF THE NON-CONFORMING SIGN.

SECTION 2. That Section 3-505 of the Zoning and Development Code, pertaining to discontinuance of a legal non-conforming use, is hereby amended to read as follows:

Section 3-505 Discontinuance of a Legal Non-Conforming Use.

Whenever a *non-conforming use* has been abandoned or ceases to exist for a period in excess of one (1) year, such use shall not thereafter be re-established, as long as the period of non-use is attributable at least in part to the property owner, tenant or other person or entity in control of the use. For purposes of this Code, rental payments or lease payments and taxes shall not be considered as a continued use. LEGAL NON-CONFORMING DEVELOPMENT RIGHTS, INCLUDING BUT NOT LIMITED TO BUILDINGS, STRUCTURES, PARKING, SIGNS AND LANDSCAPE AS DEFINED IN SECTION 3-503, SHALL NOT BE GRANTED THE NON-CONFORMING USE TIME LIMITATIONS TO RE-ESTABLISH SUCH DEVELOPMENT.

SECTION 3. That Section 4-903(J) of the Zoning and Development Code, pertaining to freeway signs, is hereby amended to read as follows:

J. Freeway Sign. Freeway *sign* requirements are as follows:

1. Freestanding *On-Premise Freeway Sign*.

- a. Any *lot* with more than one thousand (1,000) feet of lineal frontage adjacent to a freeway right-of-way (I-10, US 60, Loop 202, Loop 101 and SR 143), may have such *signs*;
- b. One (1) *freestanding sign* per freeway frontage;
- c. Maximum height, including any supporting *structures*, shall be thirty-five (35) feet, and maximum *sign* area shall be one hundred twenty (120) square feet;
- d. *Sign* must be located within three hundred (300) feet of freeway right-of-way;
- e. May identify a center or *building*, and a maximum of four (4) tenants; and
- f. A *sign* permit is required.

2. Freestanding Off-Premise Freeway Sign.

- a. A ~~lot with more than five hundred (500) feet of lineal frontage~~ adjacent to a freeway right-of-way (I-10, US 60, LOOP 202, LOOP 101 AND SR 143), may have such *sign*;
- b. ~~One (1) freestanding off-premise sign per lot;~~
- bc. *Sign* shall not be located within ~~one thousand three hundred twenty~~ FIVE HUNDRED (1,320 500) feet measured by FROM THE CENTER POINT OF THE SIGN'S BASE IN a straight line in any direction, ~~from~~ TO the lot line of any residential district LOT THAT IS USED FOR SINGLE-FAMILY RESIDENTIAL PURPOSES, that is on the same side of the freeway as the freeway right-of-way on which the sign is to be located; and the sign shall not be located on any city owned land;
- cd. *Sign* shall not be located within ~~one thousand~~ SEVEN HUNDRED FIFTY (1,000 750) feet, measured from the CENTER POINT OF THE sign's Centerpoint base, TO THE CENTER POINT of THE BASE OF any other ~~freestanding on-premise or off-premise freeway sign~~ ON THE SAME SIDE OF THE FREEWAY;
- de. *Sign* must be located within three hundred (300) feet of freeway right-of-way;
- ef. *Sign* shall be authorized through a development agreement that may be entered into at the discretion of the City Council. In addition to any other conditions imposed by the City Council, each development agreement shall describe criteria which includes but is not limited to the allowable *sign* height and size of the *sign* to be installed; and shall also provide for the removal of legally non-conforming *freestanding off-premise signs(s)* within the City of Tempe; ~~or the removal of no more than three (3) other legally non-conforming or legally conforming signs(s) or surrender of sign entitlements within the City of Tempe totaling~~ containing no less than six hundred ~~seventy-two (672600)~~ square feet of display area when combined for the purposes of

installing one *freestanding off-premise freeway sign* within the City of Tempe; and

fg. A ~~sign~~ BUILDING permit is required.

3. Building Mounted.

- a. Any *building*, except residential, located within three hundred (300) feet of a freeway right-of-way (I-10, US 60, Loop 202, Loop 101 and SR 143), may have such *signs*;
- b. The maximum total area for *building mounted freeway signs* on the premises may be equal to two (2) square feet of *sign* area for every lineal foot of *building* frontage adjacent to the freeway. Allocation of the total *sign* area to individual tenants shall be determined through a comprehensive *sign package*, approved through *development plan* review; and
- c. A *sign* permit is required.

SECTION 4. Pursuant to City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this ____ day of _____, 2013.

Mark W. Mitchell, Mayor

ATTEST:

Brigitta M. Kuiper, City Clerk

APPROVED AS TO FORM:

Judith R. Baumann, City Attorney